

Abstract

Liability for Others in Czech Tort Law and its Inspirational Sources

The thesis deals with an analysis of the liability for others in Czech tort law and its inspirational sources which are - according to the author - the respective provisions of German and Austrian Civil Code, Principles of European Tort Law (PETL), Draft of Common Frame of Reference (DCFR), Austrian tort law draft and the previous Czech Civil Code and Czech Commercial Code. The thesis consists of four parts – “Theoretical Basis“, “Liability for an Agent“, “Liability of a Person with a Duty of Supervision“ and “Other Tort Law Clauses of Liability for Others“. The key parts are “Liability for an Agent“ and “Liability of a Person with a Duty of Supervision“. The respective regulation in the selected inspirational sources of the Czech civil law mentioned above and the regulation in the Czech Civil Code are analysed in each of these key parts. At the beginning of each of these parts there is also an analysis of reasons for imposition of these kinds of liability.

Based on - among other things - the analysis of the inspirational sources, the author concludes that the Czech concept of liability for agents heads in the right direction, in particular because it is based on the respondeat superior principle, i.e. the principal's fault is irrelevant with respect to imposing liability for the torts of his agent. According to the author a certain deficiency in this concept rests on the determination of the scope of application of a special provision of the Civil Code regarding the liability of legal persons for their representatives which overlaps with the general provision regarding the liability for agents. With respect to the concept of liability of a person with a duty of supervision, which rests on principles of the liability based on fault, the author considers these rules in principle ideal and corresponding to the inspirational sources.